

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

GEORGE WESLEY HUGUELY, V, No. 1458946,

Petitioner,

v.

CIVIL ACTION NO. 7:20cv30021

**HAROLD W. CLARKE, DIRECTOR,
VIRGINIA DEPARTMENT OF CORRECTIONS,**

Respondent.

MOTION TO DISMISS AND RULE 5 ANSWER

The respondent, by counsel, pursuant to Rule 5, Rules Governing Section 2254 Cases, moves this Court to dismiss petitioner's petition for a writ of habeas corpus.

1. The reasons requiring dismissal are set forth in the accompanying Brief in Support which is incorporated by reference.

2. Each and every allegation not expressly admitted should be taken as denied.

3. The lack of merit of the petition is ascertainable from the record and the applicable law without the need of an evidentiary hearing. See 28 U.S.C. § 2254 (d) and (c).

WHEREFORE, the respondent prays the petition for a writ of habeas corpus will be dismissed without an evidentiary hearing.

Respectfully submitted,

**HAROLD W. CLARKE, DIRECTOR,
VIRGINIA DEPARTMENT OF
CORRECTIONS,**

Respondent herein,

/s/

Leah A. Darron

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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2020, I have electronically filed the foregoing Motion to Dismiss and Rule 5 Answer with the Clerk of the Court using the CM/ECF system, which will notify electronically the following CM/ECF participant and other counsel:

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** Pro hac vice application pending*

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